REMARKS

INTRODUCTION

Claims 1-19 were previously and are currently pending and under consideration.

Claims 1, 4, 5, 8 and 11-19 are rejected.

Claims 1, 4, 8, 11-14 and 19 are amended herein.

Claims 2, 3, 6, 7, 9 and 10 are objected to.

No new matter is being presented, and approval and entry are respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance as suggested by the Examiner;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

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PATENT OFFICE MUST RESPOND TO ALL APPLICANT'S ARGUMENTS

In view of the number of arguments presented below, it is respectfully noted that "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (MPEP § 707.07(f)). Furthermore, MPEP § 706.07 states that "The applicant ... should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application. ... a clear issue between applicant and examiner should be developed, if possible, before appeal." The Examiner is respectfully requested to provide a required response to all of the arguments presented herein, so clear issues can be developed.

It is also respectfully noted that although an "[a]pplicant 's arguments with respect to [claims] have been considered ... moot in view of the new ground(s) of rejection ... "[t]he examiner **must**, however, address any arguments presented by the applicant **which are still relevant** to any references being applied" (MPEP § 707.07(f)). If portions of the current rejection are maintained, Applicant respectfully requests a response to each of the arguments below that relate to such portions.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 2-5, claims 1, 4, 5 and 11-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Krishnamurthy. This rejection is traversed and reconsideration is requested. At pages 5-6, claim 8 was rejected under 35 U.S.C. § 103 as being unpatentable over Krishnamurthy in view of Official Notice.

ALWAYS COLLECTING REQUESTED DATA (KRISHNAMURTHY) IS DIFFERENT THAN COLLECTING DATA FOR A REQUEST IF THE GENERATOR HAS HIGH PRIORITY

Krishnamurthy discusses a data collection system where collected data, referred to as "collections" are generated only at endpoints. An endpoint transmits a Collection Table of Contents (CTOC) as a collection notice (column 7, lines 7-12). A collector receives the CTOC and inserts the CTOC into a priority queue 402. When the CTOC is at the front of the queue,

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the corresponding collection is collected by the collector. Like an endpoint, a collector can make a collected collection available for an up-stream collector. However, a collector does not actually generate this collected data. Rather, a CTOC is always acted on and priority determines when (not whether) the order in which CTOC's collection will be collected. The priority does not determine if the collection will be collected or not collected. In other words, every CTOC notice results in its collection being collected.

According to claims 1, 4, 8, 12, 14, and 19, a collection notice is received and if its device has a low priority then the notice is disregarded. If its device has a high priority, then the generated information of the generation device is collected. In other words, priority controls whether collection will or will not be performed for a given notice. In contrast, priority in Krishnamurthy controls the timing of collection ("The collector handling the request would then use the priority to schedule this data pickup ahead of other normal endpoints" column 6, lines 45-48). This only reflects the inherent nature of a priority queue, such as queue 402, because with a priority queue everything that goes into the queue goes out of the queue and priority only affects the order or timing of an entry leaving the queue. Entries are not usually disregarded. See also Figure 5A, which shows (Step 518) that all entries in the priority queue are processed.

The amended claims clarify that a notice from a device with a priority lower than the predefined priority does not result in a collection; such a notice is disregarded. "Disregard" means "to pay no attention to: treat as unworthy of regard or notice" (Merriam Webster Online Dictionary).

Withdrawal of the rejection is respectfully requested.

QUEUE OF KRISHNAMURTHY NOT EQUIVALENT TO A TABLE

Claims 1 and 12 recite a table. The rejection equates these claimed tables with the queues 402/404 of Krishnamurthy. However, it is well known that a table and a queue are two fundamentally different data structures. A "table" is "a systematic arrangement of data usually in rows and columns for ready reference", whereas a "queue" is "a data structure that consists of a list of records such that records are added at one end and removed from the other" (Merriam Webster Online Dictionary). A table is a storage of data for repeated reference. In contrast, a queue is a mechanism for ordered one-time processing and removal of items. One skilled in the art would not consider queues and tables to be equivalent.

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Withdrawal of the rejection is respectfully requested.

KRISHNAMURTHY HAS PER-COLLECTION PRIORITY, NOT GENERATION APPARATUS PRIORITY

The priorities of the present claims are priorities of respective information generation devices (e.g. "priorities of said plurality of information generation apparatuses", claim 1). The priorities of Krishnamurthy are priorities in a CTOC data structure, and a CTOC's priority is a priority for a collection, not a generating device (a CTOC is "a data structure including information about the collection such as source, recipient, priority ...", column 5, lines 14-21; "CTOC 406 also contains a priority 412 associated with the collection data", column 7, lines 16-18, emphasis added). The priority in Krishnamurthy is associated with the collection, not the generating device.

Withdrawal of the rejection is respectfully requested.

COLLECTOR IS NOT AN INFORMATION GENERATOR

The claims have information generation device(s) and collected information is information generated by said information generation apparatuses. The rejection equates these claimed information generation apparatuses to Krishnamurthy's collectors 108a/108b. However, a collector in Krishnamurthy only receives data, stores it, and forwards it. Nowhere does Krishnamurthy disclose a collector generating the data that is collected. Krishnamurthy does not show any collectors that are endpoints. The Merriam Webster Online Dictionary indicates that "generate" means "to bring into existence". The collectors in Krishnamurthy clearly do not bring the collections into existence; that is done by the endpoints. A collector that receives information has not generated that information. It is incorrect to compare collectors of Krishnamurthy to information generators of the present claims.

The rejection suggests that an upstream collector can be a generator. Applicant respectfully requests a citation supporting this conclusion. In other words, Applicant requests the Examiner to establish how upstream collectors generate information.

Withdrawal of the rejection is respectfully requested.

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MODIFIABILITY OF A REFERENCE IS NOT VALID GROUNDS FOR OBVIOUSNESS

Section 2143.01 of the MPEP states that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination". At page 4, lines 6-13 of the Office Action, the Examiner stated that "down-stream collectors (or information generation apparatuses) could have issued data availability to their up-stream collectors when each of the local storages has reached a predetermined level, because teach local storage unit has limited space".

The rejection is based on the reasoning that because a collector has limited data collection storage (cache) it could therefore issue a notice that data is available for collection when the storage is full. However, this is not sufficient to establish a case of obviousness. No motive was provided. Furthermore, it does not appear that Krishnamurthy could issue data availability to an up-stream collector based on data storage level because the priority of a collection (data collected) is initially fixed by the endpoint generator.

Withdrawal of the rejection is respectfully requested.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 2 recites allowing "any one or more of said information generation apparatuses to act as a substitute to execute the operation of collecting information, that is supposed to be executed by said information collection unit, when a given error has occurred". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.
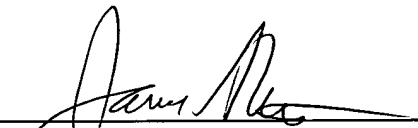
Respectfully submitted,

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